

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TAWANYA BELL and)	
JEANETTE BELL,)	
)	No. _____
Plaintiffs,)	
)	
v.)	Jury Demanded
)	
NATIONWIDE MUTUAL INSURANCE)	
COMPANY a/k/a NATIONWIDE)	
GENERAL INSURANCE COMPANY)	
a/ka/ NATIONWIDE AFFINITY)	
INSURANCE COMPANY OF AMERICA)	
a/k/a NATIONWIDE ASSURANCE)	
COMPANY a/k/a NATIONWIDE)	
INSURANCE COMPANY OF AMERICA)	
a/k/a NATIONWIDE MUTUAL FIRE)	
INSURANCE COMPANY and/or a/k/a)	
NATIONWIDE PROPERTY AND)	
CASUALTY INSURANCE COMPANY)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

Defendant, Defendant Nationwide Mutual Insurance Company a/k/a Nationwide General Insurance Company a/k/a Nationwide Affinity Insurance Company of America a/k/a Nationwide Assurance Company a/k/a Nationwide Insurance Company of America a/k/a Nationwide Mutual Fire Insurance Company and/or a/k/a Nationwide Property and Casualty Insurance Company, is a Defendant in the civil action brought on May 3, 2011 in the Circuit Court of Shelby County, Tennessee. Pursuant to provisions of 28 U.S.C. §§ 1441 and 1446, this Defendant gives notice to the Honorable Judges of the United States District Court for the Western District of Tennessee, Western Division, of removal of this action to the United States District Court for the

Western District of Tennessee, Western Division, which is the judicial district and division in which the state action is pending.

1. The grounds for removal of this action are:

(a) On May 3, 2011, the Plaintiffs commenced an action against Defendant in the Circuit Court of Shelby County, Tennessee, *Tawanya Bell and Jeanette Bell v. Nationwide Mutual Insurance Company et al.*, Docket No. CT-002098-11, attached hereto as Exhibit A.

(b) On May 10, 2011, service was received by the Commissioner of Insurance for the State of Tennessee.

(c) The Plaintiffs are citizens and residents of the State of Tennessee. Defendant is an Ohio corporation with its principal place of business in Columbus, Ohio. Therefore, complete diversity of citizenship exists between the Plaintiffs and Defendant in this action.

(d) The Plaintiffs' Complaint seeks:

1. unspecified contract, compensatory and punitive damages;
2. treble damages under the Tennessee Consumer Protection Act (“TCPA”);
3. prejudgment interest;
4. bad faith penalties and punitive damages; and
5. attorneys’ fees and costs.

(e) Consequently, the amount prayed for the in the Plaintiffs' Complaint exceeds Seventy-Five Thousand Dollars (\$75,000) as required by 28 U.S.C. § 1332.

(f) The action is a civil action for damages arising out of an alleged breach of contract and a bad faith denial of an insurance claim.

2. This Court would have original subject matter jurisdiction over this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in Federal Court. Removal is, therefore, proper under 28 U.S.C. § 1441(a).

3. Removal of this case on the basis of diversity of citizenship is not precluded by any of the provisions of 28 U.S.C. § 1441(b).

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) in that Defendants were served in this matter on May 10, 2011. This Notice of Removal is filed within thirty (30) days of service and is thus timely filed under 28 U.S.C. § 1446(b).

WHEREFORE, the removing party prays that the above-entitled action be removed from the Circuit Court of Shelby County, Tennessee to this Court.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ

/s/ Bruce A. McMullen

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 10th day of June 2011, a copy of the foregoing was electronically filed and served on the party listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

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/s/ Bruce A. McMullen

Bruce A. McMullen